vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1722 OF 2006
IN
SUIT NO.436 OF 2000

Ashok Kumar Agarwal ... Plaintiff

V/s.

Ravindra Kumar Agarwal & Ors. ... Defendants

And

Jolly Maker 1 Premises Co-op.
Society Ltd. ... Respondent

Mr.Snehal Shah i/b Doijode Associates for Plaintiff
Mr.Mahesh Shukla for Defendant Nos.1 to 4
Mr.S.Jagtiani with Mr.D.Singh for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JUNE 26, 2006**

P.C.:

. The plaintiff and the defendants are the heirs of Sardarilal K. Agarwal. The plaintiff has sought partition of the Sardarilal K. Agarwal HUF.

2. Defendant No.1 has filed this Motion contending that the Co-operative Society, in which Flat No.112A is situate, is in the process of issuing duplicate certificates to the plaintiff and other defendants. In my opinion, the relief sought in the present application can be claimed before the Co-operative Court and not before this Court. In any event, Defendant No.1 cannot get any relief in the suit filed by the Plaintiff. Moreover, the Society against whom the relief is claimed is not a party to the suit. Ad-interim relief is, therefore, refused.

3. Mr.Jagtiani, appearing for the Respondent society, states that the Society will not issue the duplicate certificates for a period of two weeks from today.

4. Motion is disposed off accordingly.